

Court Decides Women May Sit On Kaber Jury

**Murder Defense Loses in
Effort to Annul Special
Venue Containing 5, and
One Is Tentatively Seated**

Insanity Defense Hinted

**Counsel Also Asks Talesmen
If They Will Recommend
Mercy if They Convict**

CLEVELAND, June 28.—Women may help decide the fate of Mrs. Eva Catherine Kaber, charged with plotting the assassination of her husband, Daniel F. Kaber, in their Lakewood home two years ago. In her trial for first degree murder, which opened here this morning, her attorneys lost in their efforts to bar women from the jury. Mrs. Kaber was arrested recently in New York City.

A motion by her attorneys to have a special venire of forty-two prospective jurors annulled, because five women were among them, on the ground that constitutional right to sit on a jury has not been extended to women, was overruled by Judge Bernon without argument by the state.

One Woman In Box
As a result of the court's ruling, one woman, Mrs. Gora K. Burg, now sits in the jury box tentatively. With her, when court adjourned for the day, were two men, Edwin L. Ford, a clerk, and Frank W. Evans, a railroad electrician. Thirteen talesmen had been examined, ten being excused for having formed an opinion of the case or other legal grounds. Mrs. Burg is the only woman examined so far.

The fact that one woman now sits tentatively in the jury box and that the court has ruled that women are eligible to jury service does not, however, mean that one or more of her own sex actually will participate in the deliberation of Mrs. Kaber's case. Her chief counsel, Francis W. Poulson, has declared that if necessary he will use every one of his sixteen peremptory challenges to remove women from the jury.

Mrs. Kaber was brought into court unaccompanied except for her counsel and a jail deputy. During the morning session she sat beside her counsel with her eyes fixed steadily on the floor in front of her. She wore a black tailored suit, blue hat with black plumes and blue silk gloves. She never conferred with her counsel except to answer one or two questions they asked her. During the afternoon session Attorney Poulson had her move her seat just behind him. This put a large part between her and Moses Kaber, father of the murdered husband. Mr. Kaber immediately shifted his seat, so he could see her.

Insanity Plea Indicated

Indicating that temporary insanity may be the principal defense of Mrs. Kaber, her counsel questioned prospective jurors closely as to their attitude on such a plea and whether or not they were prejudiced against such a plea being made. Defense counsel also asked talesmen whether they would consider a recommendation for mercy in connection with a verdict of first degree murder. Recommendation for mercy by a jury makes it possible for the court to sentence to life imprisonment a verdict of guilty of first degree murder without a clemency recommendation imposes the death sentence.

Several thousand people gathered in front of the courthouse and in the halls and corridors this morning, hoping to gain admission to the courtroom or to obtain a glimpse of Mrs. Kaber as she was taken from the jail to the courtroom. Police were forced to disperse the crowd at the entrance to the courthouse several times and at the entrance to the courtroom three officers were taxed to prevent the crowd from breaking past them. Admission to the courtroom was by card.

Jury to Take a Week

The task of procuring a jury will be continued to-morrow. Prosecutor Edward C. Stanton said this evening that he did not expect a jury to be obtained before next Tuesday. The court will recess Friday evening, Judge Bernon said, until Tuesday, July 5.

Mrs. Kaber is the first of six persons under indictment for Kaber's murder to be tried. The others are Mrs. Mary Bricker, her mother; Marian McArdle, Mrs. Kaber's daughter; Mrs. Erminia Colavito, Salvatore Cala and Vittorio Pisselli. All are under arrest except Pisselli.

Miss McArdle will not be forced to testify against her mother, County Prosecutor Stanton announced this morning.

Lamp Man Held as Firebug

**President of Brooklyn Com-
pany Charged With Arson**

Philip S. Levine, twenty-three years old, of 211 Stockton Street, Brooklyn, president of the Standard Art Lamp Company, Inc., was held yesterday in \$5,000 bail by Magistrate Short in Bridge Plaza Court, Brooklyn, on a

charge of arson. He will be examined July 6.

He was arrested Monday night by Patrolman John Dowling, of the Bedford Avenue station, Benjamin Weiner, of 277 Hart Street, Brooklyn, said in an affidavit that he saw Levine pour gasoline over some rubbish shortly before fire started in the lamp company's plant the afternoon of April 2 last. It caused damage estimated at \$4,600. Levine was insured for that amount.

**Admits \$1,000 Offer to
Have Wife Compromised**

**Abel Thomas, Who Seeks Di-
vorce, Confesses a Con-
spiracy With Chaffeur**

WHITE PLAINS, N. Y., June 28.—The taking of testimony in the divorce suit brought by Abel Carey Thomas, Manhattan lawyer, against Mrs. Edna Waddell Thomas, former chorus girl, ended to-day. The case will go to the jury to-morrow.

Mr. Thomas was placed on the stand and was asked by J. Ambrose Goodwin, trial lawyer for Mrs. Thomas, if it were true that he had offered Elmon Kelsch, former Thomas chauffeur and named as a correspondent in the case, \$1,000 to place Mrs. Thomas in a compromising position. Mr. Thomas leaped from his seat and cried: "He never got it!" "Answer the question," said the lawyer for the defense.

Mr. Thomas then admitted he had made such an order to Kelsch. "You, as a lawyer," persisted Attorney Goodwin, "know that you were agreeing to a collusive divorce." "No," replied the plaintiff. He said that there had been no "collusion" or "frame-up" and added that he had told August Mueller, a friend, to "make a statement" from the chauffeur. Mueller admitted that he had shoved \$1,000 in bills to Kelsch, but said the chauffeur had refused to be found in Mrs. Thomas' apartment.

**Open Season on Divorces
Starts Off With 42 Suits**

**Justice Guy Has to Ask Aid as
Mill Gets Going For Three-
Day Grind**

The first of three get-your-divorce quickly sessions was held in the Supreme Court yesterday. The court room of Special Term, Part III, where Justice Guy presided, overflowed with plaintiffs, defendants and co-respondents. In most of the cases defendants did not appear, for the accumulated suits to be heard were uncontested actions, some for divorce, others for separation and still others for annulment.

Forty-two cases were disposed of by the taking of testimony, adjournments and settlements. Of these, Justice Coleman, in another part of the court to which some of the suits were sent, handled six.

Eighty-two cases will be called to-day and to-morrow, and then the divorce carnival will be closed until the fall season.

Policeman's Jury Disagree

**Out Four Hours Over Officer
Accused of Assault**

After deliberating for four hours a jury before Judge Otto Rosenthal, in General Sessions, yesterday failed to agree in the case against Patrolman Harry J. Coleman, of the West 135th Street station, who was charged with assault in the first degree. The jury reported that it could not reach a verdict and was dismissed. Coleman was continued on bail.

The charge was made by Harry Jaffi, of 176 East 123d Street, who said that on the night of June 6, 1920, he was ordered from the Vermont Restaurant, on West 125th Street, by the policeman, who later assaulted him and caused him to lose the sight of his right eye. Coleman denied the strike and testified that he did not strike Jaffi.

Miller Spares Slayer's Life

**Commutes Death Sentence Im-
posed on State's Witness**

ALBANY, June 28.—Governor Miller to-day commuted to life imprisonment the death sentence imposed upon Genasino Cesera, convicted in connection with the murder of John Michael Bowell, in Rockland County.

The trial judge and the prosecuting attorney supported Cesera's plea. He turned state's evidence and gave testimony that led to the conviction of one of the five men involved in Bowell's murder.

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Three Jolly Tars Piloted To Jobs by Magistrate

**Run Aground While Cruising
in Freight Car and Court
Lends a Hand**

Three men with the unmistakable rolling gait with which the sea marks her sons swung down the aisle of the Jefferson Market court yesterday and turned three grinning faces toward Magistrate Raphael Tobias.

The magistrate stared at them for a while and then grinned back. "Riding a freight train, eh?" he said. "Yes, your honor," one of the trio replied. "We were on our way to 130th Street to get a job. We just got aboard at Thirty-eighth Street and Eleventh Avenue when the railroad detective

pinched us. The ship will have sailed by now, and we're broke, so—there you are, your honor."

"Pity to lose a job these days," commented the magistrate. "How would you like to get a job with the United States Shipping Board?"

The three put extra power into their grins and answered, "Nothing better, your honor."

Magistrate Tobias got in touch with the Shipping Board and obtained positions for all three of them.

"In these days," remarked the magistrate, "when so many men are out of work, it would be a shame to keep a man from getting a job. Go on to the Shipping Board, now; they're waiting for you, and don't hop any freights on the way."

Steals Statue, Gets 6 Mos.

**Admirer of Dante Wanted It
for a Keepsake**

His admiration for the poet Dante caused Joseph Ladue, a barber, thirty-three years old, of 108 West 106th Street, to be sentenced to the penitentiary for not less than six months nor more than three years. Ladue admitted his desire to have something to remind him of "the greatest man in Italian history." To get this something he went to a department store and stole a small statue of his idol. The statue was valued at \$17, and as he tried to hide it detectives of the Stores Mutual Protective Association arrested him.

When taken to the Court of Special Sessions yesterday Ladue told Justices Herman, Kernochan and Healy of his love for the poet and admitted taking the statue. After hearing his story the court imposed sentence.

Drug Smuggler Punished

**Convicted in 3 Minutes, Then
Sent to Cell and Fined**

A drug smuggling ring received an effective jolt yesterday by the conviction of one of its members in three minutes by a jury in the United States Court, Brooklyn. Dominico Conti, of 135 Madison Street, Manhattan, was sentenced yesterday by Judge Garvin to five years in Atlanta penitentiary and was fined \$2,000.

Conti was charged with smuggling cocaine and heroin valued at \$50,000 into this country. He also has been indicted for smuggling in diamonds valued at \$5,000 and bird of paradise feathers valued at \$1,000. He will go to trial on these charges later.

Former Dry Official Held on Charge of Taking \$300 Bribe

**W. P. Egan Alleged to Have
Put Through Wholesale
Permit for Sacramento
Wines; Others Expected**

WASHINGTON, June 28.—William P. Egan, formerly assistant chief of the legal division of the Prohibition Bureau of Internal Revenue, who was arrested here to-day charged with bribery in connection with the issuance of liquor permits, was released in \$2,500 bond, after arraignment before United States Commissioner Mason R. Richardson. He waived examination. Other arrests on similar charges may be expected within a few days, according to those in charge of the investigation.

The specific charge against Egan was that he accepted a bribe of \$300 in payment for putting through a wholesale permit covering the sale of sacramental wines. Agents of the intelligence section of the bureau, who were conducting an inquiry into this class of permit, said they had been informed by Joseph Dudenhofer, a wholesale dealer of Milwaukee, that he had obtained the document through a Mr. Egan in Washington.

Dudenhofer was arrested and in his personal papers, it is alleged, was found a letter from Egan acknowledging receipt of a check and advising the wholesaler that his interests would be watched here.

Cancelled checks which are alleged to have figured in the transaction are in the hands of the authorities.

Egan was appointed to the bureau in July, 1920, from New York. For a time he acted as legal adviser to Commissioner Kramer.

**"Kid Detective" Tells How She
Subdued Alleged Shoplifters**

Anna Graf and Mary Casano, both of 196 Seventh Avenue, were arraigned before Magistrate McGeehan in Wom-

en's Court yesterday on a charge of shoplifting. Selma Bankeser, a department store detective, who because of her youth is known as the "Kid detective," appeared as complainant against the two women.

She told Magistrate McGeehan that she followed the women to the entrance of a store and watched them operate for some time before attempting to place them under arrest. She subdued them only after a struggle.

Kubal Case to Grand Jury

**Slayer of Mrs. Bartlett Ex-
pected to Be Arraigned To-day**

The case of Lawrence Kubal, confessed slayer of Mrs. Minnie Bartlett, of Hempstead, L. I., will be submitted to the Nassau County grand jury to-day. On the finding of the expected indictment, Kubal will be arraigned at once and his counsel assigned.

Kubal has not been visited by any members of his family since he was committed to the county jail at Minneola last Saturday. He wrote his wife a long letter yesterday morning, in which he spoke of being lonesome and sorry that he could not be with her.

According to the District Attorney, however, Mrs. Kubal has expressed a wish never to see her husband again. The Kubal family is said to be in financial difficulties, and court action may be taken to obtain the reward offered for the capture of Mrs. Bartlett's murderer for Mrs. Kubal.

Briton's Killing Stirs Cuba

**President Zayas Acts Quickly
on Report of Legation**

HAVANA, Cuba, June 28.—Quick action followed the report to-day to President Zayas by the British Legation of facts connected with the murder of Walter Groves, a British subject, found with his head crushed in at his home at Paso Estancia, Province of Oriente.

Ricardo Lencia, Chief Justice of the Supreme Court, ordered a special judge, a special prosecuting attorney and special police to the scene. The War Department issued instructions to the military commander of Oriente Province to use every effort to aid the civil authorities in capturing the murderer.

'So Long, Pete' Burglar Pencils P. S. to Police

**'They're Easy,' He Writes, as
He Leaves Notes in Three
More Newark Homes**

NEWARK, N. J., June 28.—"So long, Pete," a burglar who leaves his victims penciled notes, has added three jobs to the five already reported to the police of Newark, Irvington, and East Orange.

In the home of Charles Schaeffer, 539 Sanford Avenue, was found the customary "So long, Pete" note, and another with this message, "Gee, but the Newark cops are easy. Pete."

Next door in Martin Walsh's home there was another note, and still another was found in the residence of Henry Hochuli, 101 Roosevelt Avenue, East Orange. Small sums of money were taken in each place.

**Gale, Alleged Draft Deserter,
Is on Way Here for Trial**

SAN ANTONIO, Tex., June 28.—Linn A. E. Gale, alleged draft deserter, left

here under guard yesterday for Governor's Island, New York, following receipt of orders at the 8th Corps Area here recently, directing that his case be transferred to the 2d Corps Area for trial.

Gale was ordered deported from Mexico by President Obregon in April as an undesirable alien, in connection with the publication of an alleged radical magazine, of which he was the editor.

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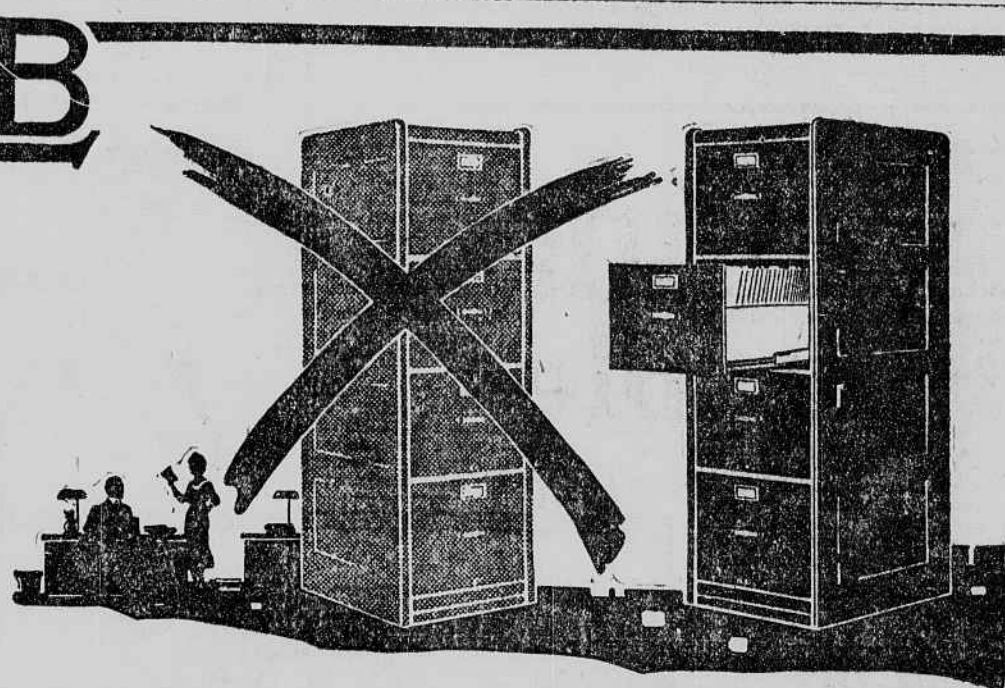
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